

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CYNTHIA SPARKS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. CV05-1439-PK

OPINION AND ORDER

MOSMAN, J.,

On January 24, 2006, Magistrate Judge Papak issued Findings and Recommendation ("F&R") (#14) in the above-captioned case recommending defendant's motion to dismiss be (#4) be granted. No objections were filed.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The district court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

Upon review, I agree with Judge Papak's recommendation to GRANT defendant's motion,
and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 16th day of February, 2006.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court